

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of 26 November 2007 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fees are believed to be due. However, the Examiner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3610.

CLAIM AMENDMENTS AND SUPPORT

Applicants have amended the independent claims 1, 6, 11, and 16 to amend a phrase “can be” to “is configured to” to be more definite. Claims 11 and 16 have been changed from a “whereby” clause to a “wherein” clause to ensure the associated statement functions as a limitation on the related claim. Further, claim 1 has been amended to overcome the 35 USC § 101 rejection by stating that the software described is stored in a machine readable medium. Claim 17 has been amended to eliminate the objected to term of lightweight.

Dependent claims 17 and new claims 18-20 include a definition for a Web service and the associated protocol, as supported by Paragraph 5 of the Background of the application.

These amendments are fully supported by the Application and no new matter has been added.

CLAIM OBJECTIONS

The Examiner has provided his objection to Claim 17 as it does not define ‘lightweight’. The claim has been amended to overcome this objection. Applicants respectfully request the objection be withdrawn.

I. 35 U.S.C. § 101 REJECTION

The Examiner objected to claim 1, for not claiming software without requisite hardware for containing the software. Claim 1 has been amended to overcome this rejection, a withdrawal of which is respectfully requested.

II. 35 U.S.C. § 102(b) REJECTIONS BASED ON REEDER

The Examiner rejected Claims 1-2, 5-7, 10-12, and 15-17 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,852,812 to Reeder, *et al.* (hereinafter "Reeder"). Reeder does not teach a use of Web services. In fact, Reeder provides contrary teachings.

- 1. Reeder makes no specific teachings related to Web services. Reeder teaches use of a different connectivity architecture (a data driven one). Additionally, at the time, Reeder was conceived/filed, Web services were not contemplated or known in the field of computer science.**

Reeder states that well known technologies are to be used to connect to customers 10a 10b to access gateways 12 through a WAN 50 (Col. 6, lines 19-23). Reeder was filed with the U.S. Patent Office on August 23, 1995 (conceived earlier due to the time required to process a disclosure through Microsoft's internal processing procedures in order to have outside counsel draft the case, etc.).

By definition, a Web service is a well-defined, self-contained component that encapsulates specific functionality and makes that functionality available to other computing applications over the Internet by Web service invocation using a protocol, such as SOAP (Invention Background, p. 2, lines 14-22 and general knowledge of one skilled in the art). The SOAP protocol publically gained some recognition in early 1998. It was not until January 2002 that coordination groups were created for Web services activity - an initial draft of Web services description requirements was in April of 2002.

- 2. Reeder's explicit teachings are for a data driven architecture, which the set processing relies upon.**

Reeder claims an advantage over prior systems resulting from handling sets of data in batches (Col. 4, lines 55-58). Data is encapsulated in sets within software objects to permit this batch processing Col. 4, lines 29-34). Other than an ability to batch process (for efficiency and scalability) and to immediately convert currencies, the structure of Reeder is a traditional structure of the time (FIG. 1, Cols. 5-6). Customers are linked to a host data center 14 through a

gateway 12. The gateway 12 permits computing devices of different protocols to communicate (Col. 6, lines 33-38). Extensible by Reeder's teachings means that additional gateways 12 can be added (Col. 6, lines 41-44).

Reeder provides many explicit statements contemplating traditional architecture (adapted for batch processing using object based encapsulation of data sets – i.e., host data center is part of MSN from Col. 5, lines 7-10. *Note*, MSN neither in 1995 nor today use Web services or SOA communication principals; parsing of event objects as described is handled in a "traditional" manner -- *See* Col. 10, lines 30-40).

3. Not All the Claimed limitations are Taught

In each of the independent claims (Claims 1, 6, 11, 16) Applicants claim use of a Web service interface on a client having multiple APIs for billing functions, which are invocable as a Web service (e.g., said Web service interface being used to provide said billing service as a Web service), which causes a server-side process to execute.

Reeder fails to teach a Web service based billing architecture. Reeder specifically does not teach a client-side API capable of invoking server side billing functions as claimed, but instead provides teachings of a contrary architecture requiring a gateway.

Since each claimed limitation for 35 USC § 102(b) purposes must be explicitly or inherently taught by a reference, the 102(b) rejections based on REEDER fail. Applicants respectfully request the 35 USC § 102(b) rejections to claims 1-2, 5-7, 10-12, and 15-17 be withdrawn.

III. 35 U.S.C. § 103(a) REJECTIONS BASED ON REEDER, CROOKS, AND OFFICIAL NOTICE

The Examiner rejected Claims 3, 8, 13 under 35 U.S.C. § 103(a) as being unpatentable over Reeder in view of U.S. Patent No. 5,943,656 to Crooks, *et al.* (hereinafter "Crooks"). The Examiner has rejected Claims 4, 9, 14 under 35 U.S.C. § 103(a) as being unpatentable over Reeder in view of the Official Notice.

1. 35 USC 103(a) Rejections based on Reeder and Crooks

Crooks fails to cure the deficiencies of Reeder. Specifically, Crooks fails to teach or suggest a use of Web services for billing. Instead, Crooks teaches a database consolidation of multiple billing entities to provide a single bill. The database backend described by Crooks relies on traditional backend components (server based and propriety code executing within the server - as opposed to using Web services to integrate heterogeneous systems). This is not surprising, as Crooks was filed on December 3, 1997, which was before SOA and Web service teachings were published and known by one of ordinary skill in the art.

Because a combination of Reeder and Crooks fails to teach or suggest each claimed limitation (providing a billing service as a Web service for example), the 103(a) rejections based on Reeder and Crooks fail. Applicants respectfully request that the 35 USC § 103(a) rejections to claims 3, 8, 13 be withdrawn.

2. 35 USC 103(a) Rejections based on Reeder and Crooks

Claims 4, 9, and 14 have been rejected based on Reeder, Crooks, and Official Notice. Applicants respectfully assert that one of ordinary skill in the art without inventive effort could not modify the teachings of Reeder or Crooks to incorporate a use of Web services. Further, any such change would require a change be made to the principles of operation of Reeder and/or Crooks. (Not permissible by MPEP 2143.01 Sec. 5). Additionally, attempts to change Reeder (which requires data encapsulation using object oriented technology and data driven methods) from its taught architecture, would render it unsuitable for its intended purpose (Not permissible by MPEP 2143.01 Sec. 6).

Applicants execute their right to challenge the Official Notice and to request the Examiner provide supporting references. Applicants are not aware of any system or technique existing and known to one of ordinary skill in the art at the time of filing describing rating services implemented as Web services. None have been shown by the Examiner establishing services as claimed is believed to be a new, useful, and non-obvious innovation over techniques known at the time of filing.

Appln. No. 10/674,778
Response dated 26 February 2008
Reply to Office Action of 26 November 2007
Docket No. CA920020061US1

Because a combination of Reeder, Crooks, and Official Notice fails to teach or suggest each claimed limitation (providing a billing service as a Web service for example), the § 103(a) rejections based on Reeder, Crooks and Official Notice fail. Applicants respectfully request a withdrawal of the 35 USC § 103(a) rejections to claims 4, 9, 14.

CONCLUSION

Applicants have amended the application to overcome the 35 USC § 101 rejection and the claim objection. These claim amendments are fully supported by the application, as shown. The cited references fail to teach or suggest each claimed limitation. Accordingly, the 35 USC §§ 102(b) and 103(a) rejections to claims 1-17 should be withdrawn, which action is respectfully requested.

The invention as claimed (claims 1-20) should be in allowable condition. The Applicants request that the Examiner call the undersigned (305-761-1972) if clarification is needed on any matter within this Reply, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: 26 February 2008

/BRIAN K. BUCHHEIT/
Brian K. Buchheit, Registration No. 52,667
PATENTS ON DEMAND
Customer No. 57736
4581 Weston Road, Suite 345
Weston, FL 33331
Telephone: (305) 761-1972